

Amendments to the Drawings:

The attached drawing sheets include formal drawings. No new matter has been added.

Remarks

As a result of the above amendments, Claims 1, 4, 5, and 7-18 remain pending. Claims 1, 4, 5, 7-11, and 17 have been amended; Claims 2, 3, and 6 have been cancelled; the remaining claims are as originally presented. Formal drawings are submitted herewith. No new matter has been added to any part of the Application.

In the Office Action, Examiner objected to Claim 9 as duplicative of Claim 2. Claims 9 and 10 have been amended to depend from Claim 7.

Claims 1-2, 6, 8-10, and 15-16 were rejected under 35 U.S.C. § 102(b) as anticipated by Konzul (U.S. Patent No. 5,324,249). Claim 1 has been amended to include the limitations of Claim 3; Claim 7 has been rewritten in independent form with the limitations of intervening dependent Claim 6; Claim 11 has been rewritten in independent form; and Claim 17 has been rewritten in independent form. Dependent claims have been amended or cancelled accordingly to correspond to the rewritten claims. Because Applicant has included one independent claim over the limit of three, a check in the amount of \$200 is included herewith. Applicant respectfully submits that the amended claims are in condition for allowance.

Claim 1 was also rejected under 35 U.S.C. § 102(b) as anticipated by Mueller (U.S. Patent No. 4,566,923). Applicant submits that Mueller does not anticipate the amended claims.

Claims 1-18 were also rejected under non-statutory obviousness-type double patenting as being unpatentable over Claims 1-20 of commonly owned U.S. Patent No. 6,719, 552 (“the ‘552 patent”) in view of Konzul. Applicant respectfully submits that this rejection is improper in view of the restriction requirement issued during the prosecution of the ‘552 patent.

The claims of the present Application were divided from the application (“the parent application”) which became the ‘552 patent. The claims were divided out of the parent application after a restriction requirement was issued in the parent application. According to M.P.E.P. § 802.01, the distinctness required for restriction means the subjects “ARE PATENTABLE (novel and unobvious) OVER EACH OTHER” (emphasis in original). (See also M.P.E.P. § 808.02, which states that where “related inventions are not patentably distinct as claimed, restriction . . . is never proper.” The Patent Office has also stated “it is the imperative the requirement should never be made where related inventions as claimed are not distinct.” M.P.E.P. § 806.). The Examiner must have adopted these positions in order to enter the restriction requirement. It follows that these same positions may now be relied upon by the

Applicant during examination of this and continuing applications. Therefore, the claims of this Application cannot be deemed unpatentable over the claims of the '552 patent.

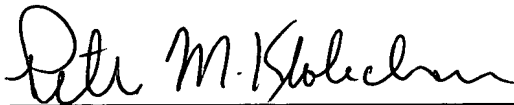
In the event, Examiner maintains his rejection, a terminal disclaimer is filed herewith.

In view of the foregoing, the Applicant submits that the Application is condition for allowance, and respectfully requests timely notice of same. If deficiencies remain, Examiner may contact the undersigned to facilitate allowance of this case.

Respectfully submitted,

Dated: August 24, 2006

By:

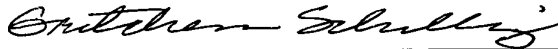


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 24, 2006.



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